

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TYRA R. FREEMAN : CIVIL ACTION
v. :
: No. 05-2078
:
JO ANNE B. BARNHART :
Commissioner of Social Security :

ORDER

AND NOW, this 19th day of April, 2006, upon consideration of Plaintiff's Motion for Summary Judgment (Document No. 10), the Defendant's Motion for Summary Judgment (Document No. 11), the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter (Document No. 13), and after a thorough and independent review of the record, it is **ORDERED** as follows:

1. The Magistrate Judge's Report is **APPROVED** and his Recommendation that this case be remanded is **ADOPTED**;
2. The plaintiff's motion for summary judgment is **GRANTED**;
3. The defendant's motion for summary judgment is **DENIED**;
4. The decision of Commissioner of Social Security is **VACATED** and this case is **REMANDED** for further proceedings consistent with the Report and Recommendation; and,
5. **JUDGEMENT IS ENTERED** in favor of the plaintiff and against the defendant.

s/ Timothy J. Savage
TIMOTHY J. SAVAGE, J.